California Regional Water Quality Control Board
Central Valley Region
Karl E. Longley, ScD, P.E., Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

19 February 2009

Mr. Del Rapini
Del Rapini Construction
28555 Rollins Lake Road
Colfax, CA 95713

CERTIFIED MAIL
7008 1140 0002 8805 9450

SECOND NOTICE OF VIOLATION, *CONSTRUCTION STORM WATER GENERAL PERMIT NO. CAS000002, DEL RAPINI CONSTRUCTION INC, WDID NO. 5S03C337319, AMADOR COUNTY*

On 2 February 2009, you were issued a Notice of Violation (NOV) for violating the NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ (General Permit). This was based on a 24 January 2009 inspection of your construction project located close to the intersection of Ridge Road and Highway 88 in Amador County. During the inspection, staff noted that your site lacked an effective combination of erosion and sediment control BMPs; the drain inlets were not adequately protected, and sediment-laden storm water was discharging from your site.

On 17 February 2009, Central Valley Water Board staff inspected your construction project again to evaluate compliance with General Permit and found similar problems as before. Staff noted that your site still lacked an effective combination of erosion and sediment control BMP and sediment-laden storm water was discharging from your site. Storm water from the site ultimately discharges onto Jackson Creek.

Staff took field measurements of turbidity in Jackson Creek at two locations, upstream of discharges from your site and at the location of the downstream discharge from your site. The upstream turbidity was measured to be was 30 NTUs, and turbidity at the western discharge location was measured to be 979 NTUs.

You continue to be in violation of Section A.6 of the General Permit which requires that, *"At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season."* It is the rainy season, and your construction site does not have an effective combination of erosion and sediment control BMPs (see inspection photographs).

The discharge of sediment-laden water from your site is a violation of Discharge Prohibition A.3 of the General Permit, which states, *"Storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance."* Sediment-laden storm water discharges from your construction site threatened to cause a condition of pollution and/or nuisance in Jackson Creek; therefore, you are in violation of Prohibition A. 3 (see photographs 11, 17, 18).

Response

In response to this Notice of Violation, you must immediately do the following:

- Immediately install and maintain BMPs throughout the project
- Ensure that all BMPs installed on the construction site meet the Best Conventional Pollutant Control Technology/ Best Available Technology Economically Achievable (BAT/ BCT) standard required by the General Permit.

In order to demonstrate compliance with the General Permit, we request that you submit the following to the Regional Board by **2 March 2009**:

- A written explanation of how the BMPs will be installed and maintained throughout the construction site.
- An updated SWPPP map showing all of the BMPs installed on the project.
- A copy of the full Storm Water Pollution Prevention Plan (SWPPP). We need to receive the entire binder prepared for the construction site. Include any amendments to the SWPPP.

Send the information to:

Attn: Richard Muhl
Central Valley Regional Water Board
11020 Sun Center Drive # 200
Rancho Cordova, CA 95670

This continued violation of the General Permit has exposed you to possible further enforcement action. Under Section 13385 of the CWC, the Regional Water Board can impose administrative civil liabilities for violations of CWC Section 13376. The maximum administrative civil liability for each day of violation is ten thousand dollars ($10,000) and ten dollars per gallon of polluted storm water discharged in excess of 1,000 gallons.

If you have any questions contact Rich Muhl at (916) 464-4749.

Sue McConnell

SUE MCCONNELL
Chief, Storm Water Compliance and Enforcement Unit

Enclosures: Water Board Inspection reports
Site photographs

cc w/out enc: Eugene Bromley, U.S. EPA, Region IX, San Francisco
Marissa Nishikawa, Caltrans District 10, Stockton
Larry Peterson, Amador County Director of Public Works, Jackson
Bobby Wurm, Amador County Public Works, Jackson

Storm Water Construction General Permit Inspection Report

RWQCB - Region 5S

WDID # 5S03C337319

County: Amador

Del Rapini Const Inc
Owner's Name

Pine Grove Bluffs
Name of Development

28555 Rollins Lake Rd
Owner's Street Address

Developer Contact and Phone N(#

Colfax, CA 95713
Owner's City, State and Zip code

Ridge Road & Hwy 88
Site Address

Del Rapini 530-389-8002
Owner's contact person and phone #

Pine Grove, CA 95665
Site City, State, and Zip Code

Rich Muhl
Inspection Conducted By

2/17/2009
Date of Inspection

Time of Inspection

Dry __ **Hot** __ **Clear** __ **Overcast** __ **Cold** __ **Raining** X
Weather Conditions During Inspection (circle all that apply)

Status of Construction

Type of Inspection:

	Inspection in Conjunction with Other Permit
	Termination Request
X	Compliance Inspection
	Outreach Inspection
	Discharger/Facility Request
	Follow-up to previous inspection ** Date of Previous Inspection
	Other

Permit Type: Construction

	Yes	No
Storm Water Samples Collected?	X	
Non-Storm Water Discharge or Evidence of Non-Storm Water Discharge Observed?		X
Separate Inspection Report Written?		X
Updated SWPPP on Site?	X	

Control Measures Checklist:

Yes - Evident on inspection *No - Non evident on inspection*

Areas of Concern:	Yes	No
Evidence of erosion? (hills, gullies, slips)	X	
Dirt/sediment tracked in streets?		X
Evidence of dewatering?		X

Other

The SWPPP was not reviewed

Inspection Summary (complete only if no separate inspection report is written):

During the site inspection staff observed significant storm water management problems on the construction site. These problems included the general lack of an effective combination of sediment and erosion control BMPs in many areas of the project, poorly protected drain inlets and turbid storm water discharge from the construction site at two locations (see inspection photographs). Similar problems were observed during the last inspection on 1/24/09. The inspection was conducted during a significant rain event. The discharge at from the western culvert was sampled and discharge upstream of the eastern culvert was sampled for a baseline reading in the creek. The samples were then field tested using a Hach 2100P turbidimeter and the upstream reading in Jackson Creek was 30 NTUs and the western discharge location was 979 NTUs (see photograph # 18).

Signature

Date Entered:

Entered By:

Senior Review: SYM

Figure 1: Overview of site, showing inadequate storm water BMPs. Storm water sheet flows to conveyance channels like that shown in Figure 2.

Figure 2: One of the channels directing storm water to a culvert that discharges under Highway 88, directly into Jackson Creek.

Figure 3: Another view of a portion of the project. Note the lack of BMPs.

Figure 4: Another portion of the project.

Figure 5: Another view of the graded area.

Figure 6: Turbid storm water discharging into the culvert.

Figure 7: Turbid storm water sheet flowing to a culvert which conveys storm water down slope.

Figure 8: Another portion of the project without effective storm water management BMPs.

Figure 9: Another view of a portion of the flat pad without effective BMPs.

Figure 10: Turbid discharge from the project flowing from the eastern culvert.

Figure 11: Turbid discharge from the eastern culvert mixing with clear flow in Jackson Creek.

Figure 12: Partially stabalized slope on the western side of the project.

Figure 13: Discharge from the site flowing along the Highway 88 right of way.

Figure 14: Discharge from the site cutting into the bank on the western side of the project.

Figure 15: Turbid storm water from the project flowing down to the discharge location.

Figure 16: Very turbid storm water from the site discharging into the western culvert.

Figure 17: Storm water from the western culvert mixing in Jackson Creek. The water in Jackson Creek was already turbid from the upstream discharge from the easten culvert of the project shown in Figure 10

Figure 18: Bottles with water samples taken from Jackson Creek. The larger one was taken at the western culvert with a turbidity of over 900 NTUs. The smaller one was taken upstream of site, with a turbidity of 30 NTUs.